REMARKS

Applicants respectfully traverse and request reconsideration.

Claims 5, 6, 12 and 13 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing for particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants have corrected the typographical error in claims 5 and 12 and as such, Applicants respectfully request that this rejection be withdrawn.

Claims 1, 4, 5, 8, 11 and 12 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,496,979 (Chen et al.). In the "Response to Arguments" section of the office action, the Examiner states that Chen anticipates Applicants' claimed invention because Chen "teach parameters that change based on which computer (with a specific CPU) having dynamic code bundles constructed for it." However, it appears that several claim terms may be misunderstood. As the office action admits, the parameters that cause a change in Chen are based on which computer (e.g. type of CPU) is used. These are static configuration parameters, not dynamic configuration as claimed. For example, static configuration parameters do not change but are static during run time. As such, the CPU does not change during run time and as such it is considered a static configuration parameter. it appears that the office action agrees with Applicants in that Chen only describes static configuration parameter use. However, the claims require dynamic configuration parameters. For example, as set forth in Applicants' specification, screen resolution, pixel depth or other dynamic system pixel parameters may be received from an application or other process during device run time and may be stored in driver memory or other suitable memory and used to dynamically build a code bundle.

In contrast, it appears that Chen is directed to a system that utilizes, for example, only static system configuration parameters as set forth, for example, in column 8, lines 23-40. Once the package file is downloaded on the mobile device in Chen, it does not appear that any

dynamic configuration parameters are utilized to dynamically construct a code bundle as required by Applicants' claims. Accordingly, the claims are in condition for allowance.

Moreover, as noted in Applicants' specification on page 4, lines 28-30, Applicants specifically state that an example of a static system configuration parameter is, for example, a CPU type. Again, the office action admits that the only parameters that Chen teaches are only those that change based on which computer is used ("with a specific CPU"). If the rejection is maintained, Applicants respectfully request a showing by column and line number of where Chen teaches the dynamic system configuration parameters that are used to dynamically construct a code bundle as claimed. In addition, the office action cites column 9, lines 48-50 as allegedly teaching the claimed dynamic configuration parameters. The office action states that a CPU type is a dynamic parameter because the CPU type is different for each computer. However, Applicants respectfully submit this parameter is a static parameter. As such, Chen only appears to teach configuration based on the static parameter type in the cited portions.

Because Chen is silent as to, among other things, the use of the claimed dynamic configuration parameter to dynamically construct a code bundle from a set of code bundles, Applicants respectfully submit that the claims are in condition for allowance.

Applicants have added new claim 15 which gives specific examples of dynamic configuration parameters.

Claims 2 and 9 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Biggs et al. Applicants respectfully reassert the relevant remarks made above with respect to the Chen reference and therefore these claims are also in condition for allowance. Biggs has been cited (from the office action mailed April 18, 2003) as allegedly teaching "dynamically constructing a code bundle for every driver entry point associated with the

software driver" as Chen admittedly does not teach such an operation. The office action states that Biggs teaches display driver software associated with a number of Windows primitive commands for controlling the display of a computer and that each primitive command is associated with an entry point of the display driver. However, no column or line numbers are provided as support for such teachings. In any event, Applicants are unable to find the teaching of dynamically constructing a code bundle for every driver entry point associated with the software driver in the Biggs reference as alleged in the office action. In fact, it does not appear that Biggs dynamically constructs a code bundle. It appears that Biggs teaches the use of a vector table that includes a plurality of device specific routines. Accordingly, Applicants respectfully submit that these claims are in condition for allowance.

As to claims 3 and 10, these are rejected under 35 U.S.C. §103(a) as being unpatentable over Chen. Applicants respectfully reassert the relevant remarks made above with respect to the independent claims and as such, these claims are also believed to be in condition for allowance.

Claims 6 and 13 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Amberg. As to claim 6, both the Chen and Amberg references fail to teach "wherein the step of dynamically constructing at least one code bundle includes: in response to storing dynamic configuration parameters, using index code modules associated with the store dynamic configuration parameters to determine which code modules are selected to define a portion of the software driver", because neither the Chen nor Amberg reference teaches utilizing and storing dynamic configuration parameters to construct dynamic code bundles as noted above. As such, these claims are also believed to be in condition for allowance. If the rejection is maintained, Applicants respectfully request a showing by column and line number of the teaching of utilizing

and storing dynamic configuration parameters to construct dynamic code bundles in the Chen or Amberg references.

As to claim 13, Applicants respectfully restate the relevant remarks made with respect to claim 5 and also note that claim 13 is dependent on an allowable base claim and contains further patentable subject matter. As such, this claim is also believed to be in condition for allowance.

Claims 7 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Chen in view of Reha. As to claims 7 and 14, Applicants respectfully restate the relevant remarks made above with respect to the independent claims. As such, Applicants believe claims 7 and 14 are also allowable.

Accordingly, Applicants respectfully submit that the claims are in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to contact the below-listed attorney if the Examiner believes that a telephone conference will advance the prosecution of this application.

Respectfully submitted,

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